

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESale PRICE LITIGATION)	MDL NO. 1456
)	Civil Action No. 01-12257-PBS
)	Subcategory No. 07-12141-PBS
)	Subcategory No. 03-10643-PBS
THIS DOCUMENT RELATES TO:)	
<i>The City of New York, et al. v. Abbott</i>)	Judge Patti B. Saris
<i>Laboratories, Inc., et al.</i>)	
<i>and</i>)	
<i>State of Iowa v. Abbott Laboratories, et al.</i>)	

**EMERGENCY JOINT MOTION TO EXTEND SUMMARY JUDGMENT AND
DAUBERT BRIEFING SCHEDULE**

The parties jointly move this Court for an order extending the summary judgment and Daubert briefing schedule. In support of their motion, the parties state as follows:

1. The scheduling order entered by the Court on June 23, 2011 requires that plaintiffs and defendant Sandoz submit their summary judgment and/or Daubert motions on or before September 30, 2011. Oppositions to the motions (if any) are due on or before October 31, 2011. *See* June 23, 2011 Electronic Notice of Set Deadlines.
2. Lead counsel for plaintiffs, Joanne M. Cicala, has suffered a serious ankle injury and has required surgery. Despite the best efforts of all involved, this unforeseen development prevents plaintiffs from meeting the above deadlines.
3. Plaintiffs' counsel has conferred with Counsel for Sandoz regarding this unfortunate event. Their understanding of plaintiffs' counsel's situation, and the impact of it on the litigation calendar, is much appreciated.

4. Given the foregoing, the parties request an adjustment to the existing schedule as follows:

ACTION	DEADLINE
Summary Judgment and/or <u>Daubert</u> Motions	October 28, 2011
Oppositions to Motions	November 30, 2011
Summary Judgment and <u>Daubert</u> Motion Hearing	February 22, 2011

WHEREFORE the parties respectfully and jointly move this Court to modify the established summary judgment and Daubert briefing schedule to the schedule shown above and on the attached proposed Revised Summary Judgment and Daubert Briefing Schedule.

Dated: September 23, 2011

Respectfully submitted,

/s/ Joanne M. Cicala

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Counsel for Sandoz Inc.

CERTIFICATE OF SERVICE

I, Kathryn Allen, hereby certify that on the 23rd day of September 2011, I caused a true and correct copy of the above Joint Motion to Modify the Summary Judgment and Daubert Briefing Schedule to be delivered to all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: September 23, 2011

/s/ Kathryn B. Allen
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